

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

Eileen S. Lavender

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Verizon Inc.

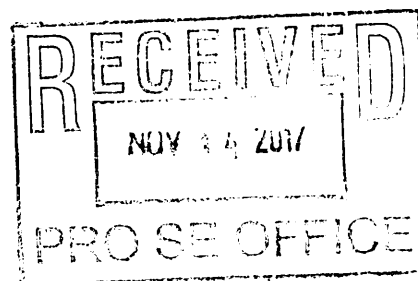
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. **CV17 6687**
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

**SEYBERT, J.
LINDSAY, M.J.**



Michael Dzugan

Peter Alagna

Ken Montfredo

Fios Manager Unknown Name

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 14 2017 ★

LONG ISLAND OFFICE

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Eileen S. Lavender</u>
Street Address	<u>2705 Connecticut Ave</u>
City and County	<u>MEDFORD</u>
State and Zip Code	<u>NY 11763</u>
Telephone Number	<u>631-807-4491</u>
E-mail Address	<u></u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Verizon Inc</u>
Job or Title (if known)	<u></u>
Street Address	<u>140 West Street</u>
City and County	<u>NY, NY</u>
State and Zip Code	<u>NY 10007</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>Michael Deegan</u>
Job or Title (if known)	<u>Foreman / Manager Level 1</u>
Street Address	<u></u>
City and County	<u>Smithtown, NY</u>

3. Peter Alagna
Foreman / Manager Level 1

Commack

NY

4. Fio's Manager - Unknown Name
Holbrook Yard. / Bohemia Yard
NY

5. Ken Monfredo
Manager Level 2
Holbrook / Bohemia
NY

All 5 Defendants and Actions were
discussed during Arbitration with Verizon
Attorneys.

Defendant No. 3

Name Peter Alagna

Job or Title Foreman / Manager Level 1

(if known)

Street Address Larkfield Rd.

City and County Commack

State and Zip Code NY

Telephone Number _____

E-mail Address _____

(if known)

Defendant No. 4

Name Ken Monfredo

Job or Title Manager Level 2

(if known)

Street Address Knickerbocker Ave. and Lincoln Ave

City and County Bohemia Holbrook

State and Zip Code NY NY

Telephone Number _____

E-mail Address _____

(if known)

Defendant No. 5

Name Unknown at this time Manager Fios.

Job or Title Foreman / Manager Level 1

(if known)

Street Address Knickerbocker Ave.

City and County Bohemia

State and Zip Code NY

Telephone Number _____

E-mail Address _____

(if known)

All 5 defendants and Actions were discussed during Arbitration with Verizon Attorneys. During State EEOC.

State and Zip Code NY
Telephone Number _____
E-mail Address _____
(if known)

See ADDITIONAL on BACK of 1st Sheet

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is: LAST work place location.

Name Verizon Fieldtech Yard.
Street Address Commack
City and County Commack
State and Zip Code NY
Telephone Number _____

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race _____
☐ color _____
☐ gender/sex _____
☐ religion _____
☐ national origin _____
☐ age. My year of birth is _____. (Give your year of birth only if you are asserting a claim of age discrimination.)
☒ disability or perceived disability (specify disability)

No lift, push, pull more than 25 lbs and No stand, sit, squat for more than 20 minutes.

E. The facts of my case are as follows. Attach additional pages if needed.

The Company, Verizon, wanted to eliminate employees in any way they could and chose persons with disabilities as their target. I could either drop my restrictions or be put out. They became more aggressive with me. They denied me equality to all other workers in my group, tools and equipment, working conditions, requested accommodations, overtime (both when forced and voluntary). They took tools that worked with my disability and gave me a replacement contrary to my abilities.

They reassigned me to a group/gang that did all work that I am unable to perform from

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.) A group where I had available work. (Copies of records attached)

They denied me training that was previously promised.

- ☐ Other federal law (specify the federal law):

- ☐ Relevant state law (specify, if known):

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. *See attached copies*

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation. *Fios Manager Refused to Supply me with A Van and Refused to pay overtime that was approved/worked.*
- ☒ Other acts (specify): *denied equal training - proper equipment equal to others.*
- (Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Present
Between 2011 and ~~2014~~, with 2015 being
most severe.

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

8/23/17

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

AMOUNT UNKNOWN → I want my JOB BACK and Training and tools and, I wish All Lost Wages RESTORED including lost raises. Personal damages to my health, Mental state, and ongoing loss of personal function due to the stress incurred. \$500,000 Losses in my personal financial wellbeing due to Verizon's Attacks, having to live off of my Retirement savings prior to ANTICIPATED Actual Retirement because Verizon's system would cut off my income and restore it incorrectly. \$60,000

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: November 14 2017

Signature of Plaintiff

Printed Name of Plaintiff


EILEEN S. LAVENDER.